

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DOROTHY ANSETH,

Charging Party,

-v-

GEYSER SCHOOL DISTRICT No. 58,

Respondent.

Case No.: 0059011430

ORDER

On May 23, 2005, the Department of Labor and Industry's Human Rights Bureau issued a Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. The Human Rights Bureau determined that it did not have jurisdiction to investigate the complaint since Anseth had filed outside the 180-day statute of limitations. Charging Party, Dorothy Anseth (Anseth), filed objections with the Montana Human Rights Commission. The Commission considered these objections on September 14, 2005.

By statute, neither the Human Rights Commission nor the Human Rights Bureau may consider complaints that are not filed within 180 days after the alleged unlawful discriminatory practice occurred or was discovered. *Mont. Code Ann. § 49-2-501* In this matter, the Human Rights Bureau determined that Anseth had received written notice of her dismissal on June 29, 2004. Therefore, the last date that Anseth could file a timely complaint with the Human Rights Bureau was December 26, 2004. Anseth filed on February 15, 2005.

After careful and due consideration, the Commission concludes that neither the Human Rights Bureau nor the Commission has jurisdiction over this complaint. See *Hash v. U.S. West Communications*, 268 Mont. 326, 886 P.2d 442 (1994); *Mont. Code Ann. § 49-2-509(3)(a)*. Further, the Commission finds that the Human Rights Bureau's

decision to dismiss is sufficiently supported by the record and there was no abuse of discretion in the issuance of a Notice of Dismissal. *Mont. Code Ann. § 49-2-509(4) (2003); Admin. R. Mont. 24.9.1714(3).*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2003); Admin. R. Mont. 24.9.1714(5).* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is **overruled**. The Commission adopts the determination of the Human Rights Bureau and the Notice of Dismissal is affirmed.

DATED this ____ day of September 2005.

Chair Franke Wilmer
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of September, 2005.

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